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C O N F I D E N T I A L SECTION 01 OF 04 MANAGUA 001045

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E.O. 12958: DECL: 2019/10/23
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SUBJECT: ORTEGA'S JUDICIAL COUP: POLITICAL OPPOSITION UNITES AGAINST COURT'S RULING

REF: MANAGUA 1041; MANAGUA 1035

CLASSIFIED BY: RobertJ.Callahan, Ambassador, State, US Embassy
Managua; REASON: 1.4(B), (D)

11. (C) Summary: On October 21, and in response to the Supreme Court's (CSJ) decision to allow President Daniel Ortega's re-election, opposition parties met and issued a communiqué denouncing the illegal court ruling and establishing joint commissions to combat the "consolidation of Ortega's dictatorship." While it remains to be seen exactly what this united political opposition does, the fact that this group gathered together is in itself a significant step towards a united opposition movement.
End Summary.

Political Opposition Unites - A Big Hurdle

12. (SBU) On October 21 at the Intercontinental Hotel in Managua, the leaders of the main opposition parties gathered to discuss the CSJ's ruli

13. (SBU) The joint statement signed by the political opposition: (1) rejects the "unconstitutional" ruling of the CSJ; (2) calls on the Liberal magistrates of the CSJ to state in writing their rejection to the ruling and the break in constitutional order; (3) calls for the political parties to form committees to focus on political, legal, international, mobilization, and communications issues to prevent the consolidation of Ortega's dictatorship; (4) calls on the political committee to work with civil society in their actions; (5) calls for the parties to work with the private sector to formulate an economic agenda for the legislature; (6) pledges the group to work together in the National Assembly to defend democracy and the rule of law; and (7) calls on the citizenry to forcefully and peacefully reject Ortega's dictatorial tendencies. The full text of the statement is included at the end of this report.

14. (C) Since January 2009, when the PLC and ALN joined with the FSLN to take control of the National Assembly and dropped efforts to address t

15. (C) Montealegre proposed the idea of forming the group, with the inclusion of Aleman, as a means to present a common front to the Nicaraguan people and, as Tellez noted, to force Aleman to choose sides in this conflict. Montealegre believes that Aleman was involved in, or at least had prior knowledge of, the Court's decision to permit presidential re-election because, in Aleman's view, it would likely strengthen his efforts to gain control over all the opposition forces and secure his candidacy for the presidency in 2011. By making Aleman one of the many members at the table, Montealegre hopes to minimize Aleman's influence and his ability to exploit the situation, while also compelling Aleman and the rest of the PLC to take concrete steps to oppose Ortega.

Comment

16. (C) The communiqué and agreement to work together is a significant step forward in Nicaraguan politics. That these four opposition parties from across the ideological spectrum, with a long history of animosity, managed to put aside their differences and unite for one common, basic cause is a strong signal to the Ortega government that they may have overplayed their hand in forcing constitutional change through the courts. That civil society and the private sector also participated and supported this effort, gives hope that this unity effort might take hold and provide concrete actions. Nonetheless, while this united front is significant, it remains to be seen what concrete actions they actually take. Significant differences remain on how to advance their agenda and key votes in the National Assembly are likely to be scheduled next week that will test whether this unity effort can survive.

Communiqué Signed by the Opposition

17. (SBU) Following is the translated text of the statement issued by the opposition parties:

Pronouncement

The democratic political parties and movements with representation in the National Assembly (the Constitutional Liberal Party, Independent Libe
United

To defend democracy in the face of a break in constitutional order on behalf of six magistrates of the Supreme Court of Justice with affinity for orteguismo, who issued an unconstitutional mockery of a ruling to satisfy President Daniel Ortega's sick dictatorial pretensions for a continuation of power,

Agree

11. To reject and disregard the unconstitutional mockery of a ruling issued by a group of magistrates of the Supreme Judicial Court, as it consists of an act conducted in open violation of the political constitution, lacking legal value, and breaking the constitutional order.

12. Adopt and approve the forceful statement by the magistrates of the Supreme Court of Justice respectful of the rule of law denouncing the coup d'etat from "orteguismo;" and urge the members of the Constitutional Chamber who did not participate in the assault on the constitutionality to make their opinion known in writing to the nation and the international community, denouncing, rejecting and disregarding the break in constitutional order.

13. Create a political committee comprised of two members from each democratic political party and movement with representation in the National Assembly to define and coordinate the implementation of the necessary strategies to prevent the consolidation of the orteguista dictatorship; and to form specific committees for judicial, international, mobilization and communication issues.

14. As part of its mandate, in defining its work the political committee will take into consideration proposals presented by civil society organizations.

15. Urge the private sector, so that through its professional organizations it coordinates with the political organizations which are signatories to this document to create a legislative economic agenda to the benefit of all Nicaraguans.

16. To act in unison in the National Assembly to defend democracy and the rule of law. As an initial expression of this unity, no law will be approved that harms the citizens or worsens the economic crisis of the country.

17. Call on all citizens committed to democracy, in particular the private sector, organized civil society, and professional organizations, to

Managua, October 21, 2009

CALLAHAN